

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE COMMISSION

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/9/2012
File #	2012-04951

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF REAL ESTATE,

Petitioner,

vs.

Case No. 12-0359PL
FDBPR Case No. 2009-046171

FRANK RHODEN, P.A.,

Respondent.

FINAL ORDER

THIS CAUSE came on to be heard before the Florida Real Estate Commission ("Commission") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 19, 2012, in Orlando, Orange County, Florida, for the purpose of considering Administrative Law Judge STUART M. LERNER'S Recommended Order in the above styled case. A copy of said Recommended Order is attached hereto and incorporated herein as Exhibit "A."

Respondent was not present, and was not represented by counsel. The Petitioner was represented by Andrew Fier, Esquire, for the Department of Business and Professional

Regulation, Division of Real Estate, Orlando, Orange County, Florida. The Commission was represented by Tom Barnhart, Special Counsel, Office of the Attorney General, Tallahassee, Leon County, Florida.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order and the arguments of each party, the Commission makes the following findings of fact and conclusions of law:

Findings of Fact

1. The Administrative Law Judge's findings of fact as set forth in Exhibit "A" are approved, adopted, and incorporated herein by reference.
2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Commission.

Conclusions of Law

3. The Commission has jurisdiction of this matter pursuant to Sections 120.569 and 120.57(1), Florida Statutes, Chapter 475, Part I, Florida Statutes, and Chapter 61J2 of the Florida Administrative Code.

4. The Administrative Law Judge's conclusions of law as set forth in Exhibit "A" are approved, adopted, and incorporated

herein by reference.

5. There is competent, substantial evidence to support the Administrative Law Judge's conclusions of law in Exhibit "A" as amended and adopted by the Commission.

DISPOSITION

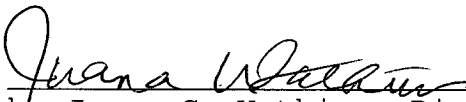
6. The Administrative Law Judge's Recommendation is approved and adopted by the Commission in its entirety.

WHEREFORE, IT IS HEREBY ORDERED and ADJUDGED that:

- (a) Respondent shall pay a fine of \$1,500.00 within 30 days for violating Section 475.25(1)(b), F.S., and mail to the Division of Real Estate, Zora Neale Hurston Building, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801.
- (b) Respondent's license is SUSPENDED for 6 months beginning 30 days from the filing date of this Final Order.
- (c) Respondent shall pay within 30 days, pursuant to Section 455.227(3)(a), F.S., \$511.50 for investigative costs and \$429.31 for non-attorney prosecutorial costs.
- (d) Count I of the Administrative Complaint is dismissed. This Final Order shall take effect upon being filed

with the Clerk of the Department of Business and Professional Regulation.

DONE and ORDERED this 17 day of July, 2012, by the Florida Real Estate Commission.


by Juana C. Watkins, Director
Division of Real Estate

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the agency clerk of the Department of Business and Professional Regulation and a second copy, accompanied by filing fees prescribed by law, with the district court of appeal in the appellate district where the party resides. The Notice of Appeal must be filed within thirty (30) days

of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Stuart M. Lerner, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; Frank Rhoden, 4280 NW 61st Court, Coconut Creek, Florida 33073; and by inter-office mail to Andrew Fier, Esquire, 400 West Robinson Street, Suite N801, Orlando, Florida 32801 on this 9th day of August, 2012.

Brandon M. Nichols